

There seems to have been a general acquiescence in the Code of Gen'l Kenney before the treaty of peace, and that, I presume, is to be considered as the system which was in force when our title to the Country was perfected by purchase.

The treaty guarantees to the inhabitants of New Mexico no political rights, therefore is to be tested by the law of nations, and the Constitution of the United States. But for the delay of Congress to provide for them a Government, in due season, the question to be solved would hardly have admitted a doubt. Can this delay, in one department of the Government, take away the powers, or diminish the responsibilities of another? Is the President to abandon the exercise of the authorities now possessed by him, because in his opinion Congress could, by legislation, give a better Government to a Territory? I conclude therefore, that it is the duty of the President, untill Congress shall otherwise direct, to continue the same supervisory authority, or Government, over this Territory, since the treaty of peace, that was established during the War; and that whilst under the law of nations, and the treaty of Guadeloupe Hidalgo, they are entitled to the preservation of their municipal system. They have no right to change it, except with his approbation. And that the contrary opinion arises from confounding the people of this subjugated or purchased territory, with an independent sovereign people, from whom, under our system, all political power emanates.

The administration of President Polk, though its ideas of this subject are not very clearly defined, seems to accord with the foregoing views, in the letter of Mr. Buchanan to Mr. Voorhees, on the                    day of                    after the treaty of peace. Gen'l Taylor, while he did not disaffirm them, seems to have yielded his permission to have encouraged the formation of State Governments in those territories, a preparatory step to direct admission into the Union. But in his Message of June last, he asserted the power of the Executive to maintain the *status in quo* of New Mexico, untill the intervention of Congress.

1. The power being established, it seems highly expedient not to permit a State Government to supersede the Military or Presidential Government, untill Congress shall provide for it. In the first place, there is no great evil now endured by the people there, which would be remedied by an independent State Government, not bound by the Constitution of the Union.

2. Such a Government, in the event of Congress continuing